



UNITED STATES PATENT AND TRADEMARK OFFICE

Handwritten signature or mark

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,447	08/24/2001	Martin Kiesel	2000 P 23302 US	2223

7470 7590 06/10/2005

WHITE & CASE LLP
PATENT DEPARTMENT
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

TRUONG, CAMQUY

ART UNIT	PAPER NUMBER
----------	--------------

2195

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,447

Applicant(s)

KIESEL ET AL.

Examiner

Camquy Truong

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the examiner and Applicant all future correspondence should include the recommended line numbering.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
4. Claims 1-20, are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - A. The following terms lack proper antecedent basis:
 - i. The control device – claim 11, line 2.
 - B. The claim language in the following claims is not clearly understood:
 - i. As to claim 1, lines 9-10, it is not clearly indicated whether “ a monitored status” refers to “ monitored status” in line 6 (i.e. if they are the same, then such “said” or “the” should be used).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-8, 10-11, 13-14, 18 and 20 are rejected under 35 U.S.C. 102(e) as being unpatentable over Zellner et al (U.S. 6, 567, 502 B2).

6. Zellner et al was cited in the last office action.

7. As to claim 1, Zellner teaches the invention substantially as claimed including: an apparatus for a control device for providing multimedia monitoring and control of a remote machine (col. 2, lines 55-60) comprising:

a processor (personal computer, col. 9, lines 13-15) for:

processing of control data and communication of said data from said remote machine (col. 2, line 53- col.3, line7; col. 3, lines 40-45; col. 4, lines 54-63; col. 6, lines 41-54); and

processing of multimedia information regarding a monitored status of the remote machine (col. 3, lines 7-17; col. 4, lines 54-63; col. 6, lines 55-66).; and

A multimedia connection coupled to said processors providing a multimedia transmission connection to the remote machine (col. 8, lines 2-9) and transmitting said multimedia information regarding a monitored status of the remote machine (col. 2, line 54- col. 3, line 1; col. 3, lines 8-17 and lines 20-35; col. 4, lines 54-63; col. 6, lines 55-66; col. 7, lines 27-30 and lines 39-47; col. 8, lines 35-49).

8. As to claim 11, it is rejected for the same reason as claim 1. In addition, Zellner teaches processing information generated by the monitored remote machine (col. 2, line 53- col.3, line7; col. 3, lines 40-45; col. 4, lines 54-63; col. 6, lines 41-54);

Generating multimedia information regarding a monitored status of the remote machine (col. 3, lines 7-17; col. 4, lines 54-63; col. 6, lines 55-66; col. 7, lines 44-55; col. 8, lines 52-57).

9. As to claims 10 and 20, Zellner teaches the communication between the respective components is carried out over the internet (col. 8, lines 35-38).

10. As to claims 3 and 13, Zellner teaches a visualization device that generates visualization information regarding the status of the remote machine (col. 7, lines 44-55; col. 8, lines 52-57).

11. As to claims 4 and 14, Zellner teaches an augmented reality device that generates the multimedia information from one or more senses of a user in the vicinity of the remote machine (col. 4, lines 64-67; col. 10, lines 3-6).

12. As to claims 5-6, Zellner teaches trace functionality transferred over the telecommunication link for real-time transmission of multimedia data connection (col. 5, line 49).

13. As to claim 7, Zellner teaches a data-processing device coupled remotely with said machine for controlling the processing of the multimedia information (col. 9, lines 13-25).

14. As to claims 8 and 18, Zellner teaches data-processing device encompasses multiple data-processing units which have communication connections to one another and which each have a telecommunication connection for real-time transfer of multimedia information to the control device (col.10, lines 3-22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2, 9,12, 15-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zellner et al. (U.S.6, 567,502 B2) in view of Widegren et al (U.S. 6,374,112 B1).

16. Widegren et al was cited in the last office action.

17. As to claims 2, 9,12,15-16 and 19, Zellner does not explicitly teach the processor enables a UMTS connection. However, Widegren teaches the processor enables a UMTS connection (col.5, lines 29-31).

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the Zellner and Widegren because Widegren's UMTS connection would increase the flexibility of Zellner 's system by providing a wide variety of mobile communications services and resources to support those services.

19. As to claim 17, Zellner teaches remotely processing the multimedia information (col. 3, lines 39-41; col.5, lines 50-51).

Response to the argument

20. Applicant arguments filed on 3/23/05 had been considered but they are not persuasive. In the remarks applicant argued (1) " Zellner fail to teach remote monitoring of a machine". (2) "Zellner does not monitor the status of machines nor do they transmit multimedia or visualization information derived from such monitoring". (3) "Zellner does not disclose an augmented reality device"(4). Zellner does not disclose the use of a trace functionality". (5) "Zellner does not disclose a processor for processing of multimedia information regarding a monitored status of a remote machine; nor does it disclose a multimedia connection providing a

Art Unit: 2195

multimedia transmission connection to the remote machine, the multimedia connection also transmitting the multimedia information regarding a monitored status of the remote machine”.

(6) “Zellner does not explicitly teach that the processor enables a UMTS connection”.

21. Examiner respectfully traverses Applicant’s remarks:

A. As to point (1), Zellner clearly teaches the remote controlling of various monitoring devices may be performed automatically by the Emergency service center (ESC) (col. 5, lines 9-12).

B. As to point (2), Zellner clearly teaches ESC determines, based on the device-specific information received from the respective monitoring device, whether the device needs to be remotely activated for monitoring (col. 6, line 55 – col. 7, line 5). Furthermore, Zellner clearly teaches the monitoring information may be sent from the respective monitoring device as long as the communication session remains established between the device and the ESC (col. 7, lines 9-12).

C. As to point (3), Zellner clearly teaches a video camera unit, a digital camera, a computer with a built-in camera unit, or a telephone with built-in video camera and data port which may be connected to the first connecting link to obtain audio and/or video information from the user’s vicinity (col. 6, lines 10-17).

D. As to point (4), Zellner clearly teaches the ESC remotely takes control of those devices (col. 4, lines 65-66).

E. As to point (5), Zellner clearly teaches ESC determines, based on the device-specific information received from the respective monitoring device which are a video camera unit, a digital camera, a computer with a built-in camera unit, or a telephone with built-in video camera, data port, audio and video, whether the device needs to be remotely activated for monitoring (col. 6, line 55 – col. 7, line 5). Furthermore, Zellner clearly teaches the remote controlling of various monitoring devices may be performed automatically by the Emergency service center (ESC) (col. 5, lines 9-12). The ESC determines, based on the device-specific information received from the monitoring device, whether the device needs to be remotely activated for monitoring (col.6, lines 55-66).

F. As to point (6) Widegren teaches UMTS is used to communicate everywhere where communication also includes the provision of information using different types of medial or multimedia communications (col. 1, lines 20-26; col. 5, lines 29-31).

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camquy Truong whose telephone number is (571) 272-3773. The examiner can normally be reached on 8AM – 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

Art Unit: 2195

have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Camquy Truong

June 8, 2005



MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100